

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, : 19-CR-576(BMC)  
Plaintiff , :  
-against- : United States Courthouse  
GENARO GARCIA LUNA, : Brooklyn, New York  
Defendant. : December 15, 2022  
: 3:00 p.m.

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TRANSCRIPT OF PRETRIAL CONFERENCE  
BEFORE THE HONORABLE BRIAN M. COGAN  
UNITED STATES SENIOR DISTRICT JUDGE

APPEARANCES:

For the Government: BREON PEACE  
United States Attorney  
BY: SARITHA KOMATIREDDY,  
ERIN REID,  
PHILIP PILMAR,  
MARIETOU DIOUF,  
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Brooklyn, New York

For the Defendant: CESAR DE CASTRO, ESQ.  
VALERIE GOTLIB, ESQ.  
FLORIAN MIEDEL, ESQ.  
SHANNON MCMANUS, ESQ.

Court Reporter: Andronikh M. Barna  
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Proceedings recorded by mechanical stenography, transcript  
produced by computer-aided transcription.

1 THE COURTROOM DEPUTY: Case No. 19-CR-576,  
2 United States of America versus Luna.

3 Will the attorneys please state their name for the  
4 record, beginning with the government.

5 MS. KOMATIREDDY: Good afternoon, Your Honor.  
6 Saritha Komatireddy for the United States. I'm  
7 joined by my colleagues, Erin Reid, Philip Pilmar,  
8 Marietou Diouf and Adam Amir.

9 THE COURT: Good afternoon.

10 MR. DE CASTRO: Good afternoon, Your Honor.  
11 For the defense, Mr. Garcia Luna; Cesar De Castro  
12 Valerie Gotlib, Florian Miedel, and Shannon McManus.

13 And Mr. Garcia Luna is seated behind us with a  
14 Spanish interpreter.

15 THE COURT: All right. Good afternoon.

16 Good afternoon, Mr. Garcia Luna.

17 THE DEFENDANT: Good afternoon.

18 THE COURT: I will note for the record that there is  
19 an interpreter for Mr. Garcia Luna, who has been previously  
20 sworn.

21 So this is a final pretrial conference. There is  
22 just a couple of things I have and then I will hear from all  
23 of you what else is there.

24 First, I have a motion from the government, not  
25 today's motion, an earlier motion that I think was not

1 ex parte, right, the one about disclosing identities late,  
2 right?

3 Right? Yes?

4 No one knows what I am talking about?

5 MS. KOMATIREDDY: Your Honor, if you're referring to  
6 a motion that was filed months ago --

7 THE COURT: No.

8 MS. KOMATIREDDY: The one that was filed about a  
9 week ago?

10 THE INTERPRETER: The interpreter requests that the  
11 Assistant speak more loudly, please.

12 THE COURT: I will summarize.

13 MS. KOMATIREDDY: I believe I understand what  
14 Your Honor is referring to.

15 THE COURT: Let me summarize for Mr. Garcia Luna.

16 We are talking about a letter motion that the  
17 government filed about a week ago.

18 MS. KOMATIREDDY: Your Honor, that motion was filed  
19 under seal, but not ex parte.

20 THE COURT: Right.

21 MS. KOMATIREDDY: Actually, the parties were just  
22 discussing that and I think the defense may have a position on  
23 it. I will let them speak to it.

24 THE COURT: Okay. I just wanted to get it clear  
25 what we are talking about because there have been a couple of

1 letters flying. We know we are on the one that was filed  
2 under seal a week ago, but my question was, was it to both  
3 parties and the answer is yes.

4 And now, Mr. De Castro, what do you want to do about  
5 that?

6 MR. DE CASTRO: Can I have a minute with the  
7 government, Judge?

8 THE COURT: Sure.

9 MR. DE CASTRO: Judge, just conferring to make sure  
10 we're on the same page.

11 We have talked to the government. I don't think  
12 there's going to be any issue there.

13 THE COURT: Okay.

14 Next, I did get what is definitely an ex parte  
15 submission from the government just a few minutes ago. I  
16 think I am going to need another CIPA ex parte hearing with  
17 the government because I do not fully understand what is going  
18 on with that. I suggest that we do that in my jury room right  
19 after we finish here.

20 MS. KOMATIREDDY: Yes, Your Honor.

21 THE COURT: Okay. That is what I got. What do you  
22 got?

23 Anything?

24 It does not seem to me like there is much more going  
25 on than we need to go over.

1 MS. KOMATIREDDY: We agree, Your Honor. I think  
2 we're on track. The parties have been conferring. We have a  
3 productive line of communication. We expect to file the  
4 proposed jury charges sometime next week. We expect to engage  
5 in some first conference between the parties about lines of  
6 cross-examination that we may seek to preclude and to --

7 THE COURT: Ms. Komatireddy, I think you ought to  
8 sit down and speak into the microphone for the interpreter.

9 MS. KOMATIREDDY: Yes, Your Honor.

10 THE COURT: Go ahead.

11 MS. KOMATIREDDY: We will first confer among  
12 ourselves if we could come to agreement about lines of  
13 cross-examination that we wish to preclude. And to the extent  
14 that there is a motion to preclude certain lines of  
15 cross-examination, Your Honor can expect a followup set of  
16 motions regarding that. But we're first compiling that and  
17 seek to confer with the defense about that.

18 So other than sort of your routine pretrial motions,  
19 I think we're on track.

20 THE COURT: Okay. Are you on board with that,  
21 Mr. De Castro?

22 MR. DE CASTRO: Judge, I don't think we really have  
23 any issues to tee up for the Court. We are on track. We are  
24 communicating with the government perfectly fine. The bulk of  
25 3500 material was produced to us last week, so we are dealing

1 with that pile of information. So, you know, we're working  
2 hard and there are certainly going to be potential issues  
3 regarding cross-examination, which we've already started  
4 talking about. So I don't think there's anything we need from  
5 the Court. There are going to be the typical administrative  
6 things like clothing for our client and all of those things  
7 which, of course, we will submit via letter.

8 THE COURT: Okay. That is fine.

9 I will adjourn this hearing and reconvene with the  
10 government in my jury room.

11 The only thing I will note is, for the record, I  
12 think I only excluded time until today. It is a complex case.  
13 There is no objection to my excluding time until trial starts,  
14 so time is excluded until the 17th.

15 Right?

16 MS. KOMATIREDDY: Yes, Your Honor.

17 THE COURT: Okay. All right. We are adjourned.  
18 Government, come on with me.

19 MS. KOMATIREDDY: Thank you very much, Judge.

20 (Matter concluded.)

21 \* \* \* \* \*

22 I certify that the foregoing is a correct transcript from the  
23 record of proceedings in the above-entitled matter.

24 /s/ Andronikh M. Barna

January 12, 2023

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ANDRONIKH M. BARNA

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DATE